

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JIDRIS L. CARTER,
Plaintiff,

v.

DEPUTY BAILEY, et al.,
Defendants.

NO. EDCV 11-303-GHK (AGR)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge. Plaintiff has not filed any Objections to the Report. The Court accepts the findings and recommendation of the Magistrate Judge.

Plaintiff named eight deputy sheriff defendants in the complaint in their individual capacities. (Complaint at 2A-2C.) Five of the eight moved to dismiss; the other three had not been served. (Report at 2 n.2.) Plaintiff filed grievances about both of the incidents alleged in the complaint. (*Id.* at 4-5.) The eight named defendants were involved in one or both incidents. Plaintiff failed to exhaust his remedies as to both incidents. (*Id.* at 5; see also Plaintiff's

1 Opposition at 4 ("Carter did on the other hand file grievances in both matters".)
2 Accordingly, the entire complaint as to all defendants is unexhausted.

3 IT IS ORDERED that the motion to dismiss brought by Defendants Arias,
4 Carrithers, Cumbess, Nielsen, and Wallen is GRANTED, and that Judgment be
5 entered dismissing this action without prejudice as to all Defendants.

6
7 DATED: 2/23/12



GEORGE H. KING
United States District Judge